

ORDERS OF THE DAY.

A bill to regulate interest being the special order. Mr. Hart offered the following amendment to the substitute for the 3rd, 4th, 5th and 6th sections offered by him on a previous day.

SEC. 3. The parties to any written contract may agree to and stipulate for any premium or rate of interest, and the same may be taken, allowed and recovered on any such written contract: provided that if any such contract stipulates for a greater rate of interest than twelve per centum per annum, only 12 per centum per annum shall be taken, allowed or recovered, after the maturity of such contract, unless the payment of principal and interest due, shall be demanded at maturity, which demand may be made either by action at law or suit, or by demand with protest as is now required by law for the payment of commercial paper in order to fix the liability of endorsers. In case such demand is not made, then only twelve per centum per annum interest shall be taken, allowed or recovered after the maturity of such contract.

SEC. 4. Every judgment of the several courts of this State shall from the time the same are rendered, bear interest at the rate of eight per centum per annum, except in cases where the obligation sued on and on which the judgment is rendered, is a contract in writing by which a greater or less rate than eight per centum per annum, in which case the judgment shall bear interest on the principal sum at the rate stipulated in the contract, subject however to the proviso of the foregoing section.

Change the number of section four of the bill to section five.

On motion of Mr. Hart, the Senate adjourned until 10 o'clock A. M., to-morrow.

FRIDAY, January 6th, 1860.

Senate met. Prayer by the Rev. Wm. M. Baker—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Whaley presented the petition of Henry G. Hudson. Referred to the committee on Claims and Accounts.

Mr. Pitts presented the petition of S. S. Frazier for land, also the petition of Sarah A. Callison for land, which were severally referred to the committee on Private Land Claims.

Mr. Erath presented the petition of sundry citizens of McClenan county relative to the jury laws. Referred to the committee on the Judiciary.

Mr. Guinn, chairman of the committee on Claims and Accounts, made the following report :

The committee on Claims and Accounts to whom was referred a memorial of Thos. J. Eames, have considered it, and the committee have instructed me to report the same back, and ask that it lay on the table. They think it not in a condition for legislation, and all that memorialist asks for may be granted at another department, except the horse mentioned in his memorial which they will not agree to pay for under any circumstances, that it is not the fault of the State that his horse was stolen; but his misfortune, and that it is a misfortune that is very common to the citizens of the State these latter days of our Lord. They hope that they will not refer any more petitions to this committee asking remuneration for stolen property, although they were in the service of the State at the time. When a man goes into the service for such a price and goes into the Indian country or in a position to come in contact with them, he takes the chances of losing his horse and that is a part of the contract, and a part of the troubles of this life that the State will not make good.

Mr. Throckmorton, chairman of the joint committee on the Court of Claims, made the following report :

The joint committee on the Court of Claims, to whom was referred a bill for the relief of Ewing Clayton, have instructed me to report the same back to the Senate, with the following statement of facts. From the records of the office of the Commissioner of Claims, it appears that Noah Smithwick has received six bounty warrants for 1280 acres each, three from the Secretary of War, and three by special enactment, five of the former have been patented and the third one which is owned by Ewing Clayton has been suspended in the office of the Court of Claims, for explanation, there being no satisfactory evidence in the office to warrant the approval of the certificate by the Commissioner, and no explanation to the committee justifying the unprecedented quantity of certificates issued to one man. The committee beg leave to submit the foregoing statement in order to elicit more information on the subject.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred a bill for the incorporation of the Mystic Club, and the petitions of several respectable citizens of Tyler county praying the grant of such act of incorporation, returned the same to the Senate and recommended its passage.

The joint committee on Public Grounds and Buildings through Mr. Townes, their chairman made the following report :

The joint committee on Public Grounds and Buildings, whose

duty it was made to superintend the expending of the appropriation for fifteen hundred dollars, made to furnish the Governor's Mansion, respectfully report that the same has been expended under the supervision of the committee. They further report, that they have found the sum insufficient for the furnishing of the Mansion, and that a further appropriation of one thousand dollars is necessary for that purpose, and they report the accompanying bill and recommend its passage. Bill read 1st time.

On motion of Mr. Townes, the rule was suspended, the report taken up, bill read 2nd time and ordered to be engrossed by the following vote :

YEAS—Messrs. Duggan, Erath, Fall, Gentry, Grimes, Herbert, Hyde, Lott, Martin, Pitts, Potter, Rains, Scarborough, Schleicher, Stockdale, Throckmorton, Townes, Walker and Wallace—19.

NAYS—Messrs. Dickinson, Guinn, Hart, Parsons, Quinan, Rainey, Shepard, Sims and Whaley—10.

On motion of Mr. Townes, the rule was further suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Duggan, Erath, Fall, Gentry, Grimes, Herbert, Hyde, Lott, Martin, Pitts, Potter, Rains, Scarborough, Schleicher, Stockdale, Throckmorton, Townes, Walker and Wallace—19.

NAYS—Messrs. Chambers, Dickinson, Guinn, Harman, Hart, Parsons, Quinan, Rainey, Shepard, Sims and Whaley—11.

Mr. Harman introduced the following bills, which were severally read and referred to the committee on the Court of Claims.

A bill to legalize the warrant of Jonathan Lindley, deceased

A bill for the relief of George W. True.

Mr. Whaley introduced a bill to legalize sundry claims. Read 1st and 2nd times and referred to the committee on the Court of Claims.

Mr. Martin introduced a bill to regulate the pay of grand and petit jurors in Harrison county. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Potter introduced the following bills which were severally read and referred to the committee on the Judiciary.

An act to amend fourth and eighth sections of an act defining the duties of the Attorney General of the State of Texas, passed May 11th, 1846.

An act requiring District Attorneys to report to the Comptroller of Public Accounts semi-annually.

Mr. Throckmorton introduced a bill to amend the 3rd and 13th sections of an act entitled an act to encourage the construction

of Railroads in Texas, by donations of land, approved January 30, 1854. Read 1st and 2nd times and referred to the committee on Internal Improvements.

A message was received from the House informing the Senate, that the House had passed the following bills originating in the Senate:

A bill supplemental to the modified charter of the Aransas Railroad Company.

A bill to amend an act entitled an act to incorporate the Indiana Railroad Company, approved 21st January, 1858, with amendments.

Also the following bills originating in the House:

A bill regulating the duties of common carriers, and defining their liabilities.

A bill to amend the 2nd section of an act entitled an act to create the 20th judicial district of the State of Texas, approved January 2nd, 1860.

And a bill originating in the Senate providing for the pay and subsistence of the troops called out by the Governor of the State under the command of John S. Ford, James Bourland and John Henry Brown; also for the pay of the commissioners sent by the Governor to the Indians, with an amendment.

On motion of Mr. Schleicher, a bill for the relief of Jose Leonardo de la Garza Trudo, was taken from the table. Read 2nd time and ordered to be engrossed; rule suspended, bill read 3rd time and passed.

ORDERS OF THE DAY.

A bill to regulate interest Read.

The question pending when the Senate adjourned on yesterday was the adoption of the substitute offered by Mr. Hart, for the amendment previously offered by him. The substitute was adopted by the following vote:

YEAS—Messrs. Dickinson, Erath, Fall, Gentry, Harman, Hart, Hyde, Martin, Pitts, Rains, Scarborough, Schleicher, Sims, Stockdale, Throckmorton, Walker, Wallace and Whaley—18.

NAYS—Messrs. Chambers, Duggan, Grimes, Guinn, Herbert, Lott, Parsons, Quinan, Rainey, Shepard and Townes—11.

The amendment was then adopted.

Mr. Guinn offered the following as a substitute for the bill:

A bill to amend the 3rd section of an act of January 18th, 1840, to regulate interest.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the 3rd section of the above recited act shall hereafter read as follows, viz:

SEC. 3. *Be it further enacted*, That the parties to any written contract may agree to, and stipulate for any premium or rate of interest, not exceeding ten per centum per annum on the amount or value of the contract, and the same may be taken, recovered and allowed.

Mr. Schleicher offered the following amendment to the amendment. "Strike out ten and insert one," which was, on motion of Mr. Guinn, laid on the table.

The substitute offered by Mr. Guinn, was then laid on the table by the following vote :

YEAS—Messrs. Dickinson, Erath, Fall, Grimes, Hart, Hyde, Martin, Rains, Schleicher, Sims, Stockdale, Throckmorton, Walker and Whaley—14.

NAYS—Messrs. Chambers, Duggan, Guinn, Harman, Herbert, Lott, Parsons, Pitts, Quinan, Rainey, Shepard, Townes and Wallace—13.

The question being upon the engrossment of the bill, was on motion of Mr. Throckmorton laid on the table.

And a bill to provide for the pay and subsistence of the troops called out by the Governor of the State under the command of John S. Ford, James Bourland and John Henry Brown ; also for the pay of the commissioners sent by the Governor to the Indians, was taken up, and the amendment of the House concurred in.

Mr. Erath presented the petition of Phillip Weppler. Referred to the committee on Private Land Claims.

Mr. Shepard presented the petition of Mrs. Swartwout. Referred to the committee on Public Debt.

Mr. Hart presented the petition of John Freidrich, also the petition of Thomas J. Robinson, which were severally referred to the committee on Private Land Claims, and the committee on Court of Claims.

Mr. Martin introduced a bill authorizing the corporation of Corsicana to tax ten pin alleys. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Shepard introduced a bill for the relief of the Washington County Railroad. Read 1st and 2nd times and referred to the committee on Internal Improvements.

Mr. Gentry introduced a bill to validate A. D. Kennard's bounty certificate No. 242 for 320 acres of land. Read 1st and 2nd times and referred to the committee on Private Land Claims.

On motion of Mr. Chambers, the report of the committee on the Court of Claims, on a bill for the relief of Ewing Clayton

was taken up, and the bill referred with the report to the committee on Private Land Claims.

The amendment of the House to the Senate's bill, to amend an act to incorporate the Indianola Railroad Company, approved 21st January, 1858 was concurred in.

On motion of Mr. Lott, the Senate adjourned until 10 o'clock A. M., to-morrow.

SATURDAY, January 7th, 1860.

Senate met pursuant to adjournment. Prayer by the Rev. Wm. M. Baker.

The journal of yesterday was read and adopted.

Mr. Townes presented the petition of George W. Glasscock for money. Referred to the committee on Claims and Accounts.

Mr. Guinn presented the petition of John H. Hyde for land, also, the petition of George S. Hyde for land, which were severally referred to the committee on Court of Claims.

Also, the petition of members of the Brazos Synod relative to the Sabbath day, which was referred to a select committee of five. Messrs. Guinn, Townes, Dickinson, Whaley and Fall were appointed said committee.

Mr. Whaley presented the petition of John M. Wyatt for money. Referred to the committee on Claims and Accounts.

Mr. Walker, chairman of the committee on Public Lands, made the following reports :

Reported back and recommended its passage, a bill to require the county courts of the counties of this State to furnish surveyors with offices and books of record with the following amendments.

Amend caption by striking out "offices," and strike out in 1st section "suitable offices for the transaction of in-door business."

Also a bill to provide for the sale of the reservations of land ceded to the United States for Indian purposes, without amendment, and recommended its passage.

Mr. Duggan, chairman of the committee on Counties and County Boundaries, reported upon the memorial of sundry citizens of Cass, Harrison, Upshur and Titus counties, by bill, to create the county of Marion, which was read 1st time.

Mr. Throckmorton, from the Judiciary committee, made the following report :